

REMARKS/ARGUMENTS

Claims 1-28 are pending. Claims 23 -28 are newly added to this response.

Claim Rejections Based on Prior Art:

In responding to the Examiner's prior art rejections, the Applicants here only justify the patentability of the independent claims (1, 11, 17, and newly-added claim 23). As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, the Applicants do not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

Claims 1 and 17 have been rejected for anticipation (35 U.S.C. § 102(e)) in light of U.S. Patent Application Publication 2004/0122570 ("Sonoyama").

Claim 11 has been rejected for obviousness (35 U.S.C. § 103) given the combination of Sonoyama and U.S. Patent Application Publication 2003/0033413 ("Willson").

The Applicant has amended its claims to distinguish over these references.

The primary reference—Sonoyama—discloses vehicles which can communicate with a factory host computer over a local area network (LAN). Moreover, the vehicles contain a memory 12 (Fig. 1) which contains "status information" on the vehicle, including whether the vehicle is "in trouble." However, despite the ability of the vehicles to log when the vehicle is in trouble, such vehicles do not include a diagnostic system which can be queried from outside the vehicle to run a diagnostic on the vehicle.

Moreover, while Sonoyama's vehicles can communicate on Sonoyama's LAN, it is not disclosed that the vehicles can additionally communicate on any other network, such as the wide area network (WAN) disclosed in Applicant's specification.

These missing elements from Sonoyama are sufficient to distinguish Sonoyama from Applicant's claims.

For example, claim 1 recites that the vehicle has “a diagnostic system that can be accessed to perform a diagnosis of the vehicle,” and that the local communication device at the service station so “access[es] the diagnostic system.” Claim 17 has limitations that are similar in this regard. This is obviously not disclosed in Sonoyama: the vehicle in Sonoyama does not have a diagnostic system that can be accessed to run a diagnostic, and further the “factory host computer” in Sonoyama does not access that system to so perform a diagnostic. Claims 1 and 17 as amended are thus not anticipated by Sonoyama.

Claim 11 essentially claims, inter alia, a vehicle and a service station which can communicate with each other through a LAN and through a WAN. New independent claim 23 is similar in this regard. This is not disclosed or suggested in Sonoyama, which as noted above only discloses the use of communication via a LAN. Moreover, such dualistic LAN/WAN communication as claimed is not disclosed in the Examiner's secondary reference—Willson. Because neither reference discloses or suggests this limitation, neither of these references alone can anticipate claims 11 or 23, and moreover these two references when taken together cannot render claims 11 or 23 obvious. See MPEP § 2143.03.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular

reference or combination of references.

Please charge any fees that may be due, including any excess claim fees, to
Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: /Terri S. Hughes/
Terri S. Hughes
Attorney of Record
Reg. No.: 41,856

Telephone: 847-576-0741
Fax No.: 847-576-0721